

# *Appendix*

## *A*

Ecology Budget Proviso

Section 21 (Pages 110-112) Water-related reports

PART III

NATURAL RESOURCES

Sec. 301. 2001 2nd sp.s. c 7 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2002)	\$	398,000
General Fund--State Appropriation (FY 2003)	\$	<del>((391,000))</del>
		<u>379,000</u>
General Fund--Private/Local Appropriation	\$	749,000
TOTAL APPROPRIATION	\$	<del>((1,538,000))</del>
		<u>1,526,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund--state appropriation for fiscal year 2002 and \$40,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to implement the scenic area management plan for Klickitat county. If Klickitat county adopts an ordinance to implement the scenic area management plan in accordance with the national scenic area act, P.L. 99-663, then the amounts provided in this subsection shall be provided as a grant to Klickitat county to implement its responsibilities under the act.

Sec. 302. 2001 2nd sp.s. c 7 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2002)	\$	<del>((46,633,000))</del>
		<u>39,404,000</u>
General Fund--State Appropriation (FY 2003)	\$	<del>((44,481,000))</del>
		<u>34,283,000</u>
General Fund--Federal Appropriation	\$	56,805,000
General Fund--Private/Local Appropriation	\$	4,351,000
Special Grass Seed Burning Research Account--		
State Appropriation	\$	14,000
Reclamation Revolving Account--State		
Appropriation	\$	<del>((1,810,000))</del>
		<u>1,935,000</u>

1 (b) \$100,000 of the oil spill prevention account appropriation is  
2 provided solely for the department to conduct a vessel transponder  
3 feasibility study for Washington waters and undertake a trial vessel  
4 tracking program using transponders. In conducting the feasibility study  
5 and trial program, the department of ecology shall consult with state  
6 pilotage authorities, the maritime industry and the United States coast  
7 guard; and

8 (c) \$180,000 of the oil spill prevention account appropriation is  
9 provided solely to acquire vessel incident reporting information.

10 The governor shall request the federal government to provide ongoing  
11 resources to station a dedicated rescue tug at Neah Bay.

12 ~~((+21+))~~ (18) \$600,000 of the water quality account--state  
13 appropriation is provided solely for setting instream flows in six basins  
14 not currently planning under the watershed planning act.

15 (19) \$200,000 of the water quality account appropriation is provided  
16 solely for activities associated with development of the Willapa River total  
17 maximum daily load (TMDL). The activities shall include but are not limited  
18 to: (a) A contract with Pacific county to complete the oxygen/bacteria and  
19 temperature model for the TMDL, conduct a technical analysis of local  
20 options for waste load allocations, and develop the first draft of the waste  
21 load allocation plan; and (b) a contract for facilitation services for a  
22 public process for the TMDL, assist in reaching consensus between parties  
23 involved in the technical work, help ensure that there is an accurate public  
24 record, and provide a forum for the waste load allocation.

25 (20) \$175,000 of the biosolids permit account is provided solely to  
26 develop a statewide septage strategy. The department shall work with  
27 affected stakeholders to address septage permit requirements, changes to  
28 existing rules, clarification of state and local responsibilities, and fee  
29 structure changes that are necessary to support the program in future  
30 biennia. The department shall report its findings to the governor and  
31 appropriate committees of the legislature by June 30, 2003.

32 (21) \$189,000 of the general fund--state appropriation for fiscal year  
33 2003 is provided solely for facilitation services and the following  
34 activities:

35 (a)(i). A joint task force is created to study judicial and  
36 administrative alternatives for resolving water disputes. The task force  
37 shall be organized and led by the office of the attorney general. In  
38 addition to the office of the attorney general, members of the task force  
39 shall include:

1 (A) Representatives of the legislature, including one member from each  
2 caucus appointed by the president of the senate and the speaker of the house  
3 of representatives;

4 (B) Representatives of the superior courts appointed by the president  
5 of the superior court judges association, and shall include two judicial  
6 officers of the superior court from eastern Washington and two judicial  
7 officers of the superior court from western Washington;

8 (C) A representative of the state court of appeals appointed by the  
9 chief justice of the state supreme court;

10 (D) A representative of the environmental hearings office; and

11 (E) A representative of the department of ecology.

12 (ii) The objectives of the task force are to:

13 (A) Examine and characterize the types of water disputes to be  
14 resolved;

15 (B) Examine the approach of other states to water dispute resolution;

16 (C) Recommend one or more methods to resolve water disputes,  
17 including, but not limited to, an administrative resolution process; a  
18 judicial resolution process such as water court; or any combination thereof;  
19 and

20 (D) Recommend an implementation plan that will address:

21 (I) A specific administrative structure for each method used to  
22 resolve water disputes;

23 (II) The cost to implement the plan; and

24 (III) The changes to statutes and administrative rules necessary to  
25 implement the plan.

26 (iii) The office of the attorney general shall work with the staff of  
27 the standing committees of the legislature with jurisdiction over water  
28 resources to research and compile information relevant to the mission of the  
29 task force by December 31, 2002.

30 (iv) The task force shall submit its report to the appropriate  
31 committees of the legislature no later than December 30, 2003.

32 (b) The department of ecology and the attorney general's office shall  
33 conduct a study to identify possible ways to streamline the water right  
34 general adjudication procedures. By December 1, 2002, the agencies will  
35 report on their findings and recommendations to the legislature.

36 c. (1) The legislature finds that it is in the public interest to  
37 investigate the feasibility of conducting negotiations with other states and  
38 Canada regarding use of water bodies they share with the state of  
39 Washington.

1       (ii) The governor, or the governor's designee, shall consult with the  
2 states that share water bodies with the state of Washington, with Canada,  
3 and with other states that have conducted similar negotiations, regarding  
4 issues and strategies in those negotiations and shall report to the standing  
5 committees of the legislature having jurisdiction over water resources by  
6 January 1, 2003.

7       (iii) In conducting the consultations under this subsection (c), the  
8 governor shall give priority consideration to the interstate issues  
9 affecting the Spokane-Rathdrum Prairie aquifer including those issues  
10 affecting a safe and adequate supply of public drinking water, as provided  
11 by municipal governments.

12       (d) By October 1, 2002, the department of ecology shall provide to the  
13 appropriate standing committees of the legislature, a plan, schedule, and  
14 budget for improving the administration of water right records held by the  
15 department of ecology. The department of ecology shall work with the  
16 department of revenue and with county auditors in developing recommendations  
17 for improving the administration of water rights ownership information and  
18 integrating this information with real property ownership records. The  
19 department of ecology shall evaluate the need for grants to counties to  
20 assist with recording and information management needs related to water  
21 rights ownership and title.

22       (22) For applicants that meet eligibility requirements, the department  
23 of ecology shall consider individual stormdrain treatment systems to be  
24 classified as "activity" projects and eligible for grant funding provided  
25 under section 319 the federal Clean Water Act. These projects shall be  
26 prioritized for funding along with other grant proposals. Receipt of  
27 funding shall be based on this prioritization.

28       Sec. 303. 2001 2nd sp.s. c 7 s 303 (uncodified) is amended to read  
29 as follows:

30 **FOR THE STATE PARKS AND RECREATION COMMISSION**

31	General Fund--State Appropriation (FY 2002)	.	\$	((32,298,000))
32				<u>32,198,000</u>
33	General Fund--State Appropriation (FY 2003)	.	\$	((32,366,000))
34				<u>30,340,000</u>
35	General Fund--Federal Appropriation . . . . .		\$	2,690,000
36	General Fund--Private/Local Appropriation		\$	50,000
37	Winter Recreation Program Account--State			
38	Appropriation . . . . .		\$	((32,366,000))

# Excerpt from AGO Budget Proviso

## Section 4 = Reserved Rights Report

1	Appropriation . . . . .	\$	((1,789,000))
2			<u>1,753,000</u>
3	Tobacco Prevention and Control Account		
4	Appropriation . . . . .	\$	277,000
5	New Motor Vehicle Arbitration Account--State		
6	Appropriation . . . . .	\$	1,163,000
7	Legal Services Revolving Account--State		
8	Appropriation . . . . .	\$	((147,306,000))
9			<u>147,422,000</u>
10	TOTAL APPROPRIATION . . . . .	\$	((163,020,000))
11			<u>162,364,000</u>

12 The appropriations in this section are subject to the following  
13 conditions and limitations:

14 (1) The attorney general shall report each fiscal year on actual legal  
15 services expenditures and actual attorney staffing levels for each agency  
16 receiving legal services. The report shall be submitted to the office of  
17 financial management and the fiscal committees of the senate and house of  
18 representatives no later than ninety days after the end of each fiscal year.

19 (2) The attorney general and the office of financial management shall  
20 modify the attorney general billing system to meet the needs of user  
21 agencies for greater predictability, timeliness, and explanation of how  
22 legal services are being used by the agency. The attorney general shall  
23 provide the following information each month to agencies receiving legal  
24 services: (a) The full-time equivalent attorney services provided for the  
25 month; (b) the full-time equivalent investigator services provided for the  
26 month; (c) the full-time equivalent paralegal services provided for the  
27 month; and (d) direct legal costs, such as filing and docket fees, charged  
28 to the agency for the month.

29 (3) Prior to entering into any negotiated settlement of a claim against  
30 the state, that exceeds five million dollars, the attorney general shall  
31 notify the director of financial management and the chairs of the senate  
32 committee on ways and means and the house of representatives committee on  
33 appropriations.

\* 34 (4) (a) \$87,000 of the general fund--state appropriation for fiscal year  
35 2003 is provided solely for the office of the attorney general to prepare  
36 a report by October 1, 2002, on federal and Indian reserved water rights,  
37 and to submit the report to the standing committees of the legislature  
38 having jurisdiction over water resources. The objectives of the report  
39 shall be to:

- 1     (i) Examine and characterize the types of water rights issues involved;  
2     (ii) Examine the approaches of other states to such issues and their  
3 results;  
4     (iii) Examine methods for addressing such issues including, but not  
5 limited to, administrative, judicial, or other methods, or any combinations  
6 thereof; and  
7     (iv) Examine implementation and funding requirements.

8     (b) Following receipt of the report, the standing committees of the  
9 legislature having jurisdiction over water resources shall seek and consider  
10 the recommendations of the relevant departments and agencies of the United  
11 States, the federally recognized Indian tribes with water-related interests  
12 in the state, and water users in the state and shall develop  
13 recommendations.

14     Sec. 123. 2001 2nd sp.s. c 7 s 126 (uncodified) is amended to read as  
15 follows:

16 **FOR THE CASELOAD FORECAST COUNCIL**

17	General Fund--State Appropriation (FY 2002) . . . \$	631,000
18	General Fund--State Appropriation (FY 2003) . . . \$	(( <del>619,000</del> ))
19		<u>600,000</u>
20	TOTAL APPROPRIATION . . . . . \$	(( <del>1,250,000</del> ))
21		<u>1,231,000</u>

22     NEW SECTION. Sec. 124. A new section is added to 2001 2nd sp.s. c 7  
23 (uncodified) to read as follows:

24 **FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS.** The department of financial  
25 institutions shall reduce its fiscal year 2003 expenditures from the  
26 financial services regulation account by the amount of \$357,000.

27     Sec. 125. 2001 2nd sp.s. c 7 s 127 (uncodified) is amended to read as  
28 follows:

29 **FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

30	General Fund--State Appropriation (FY 2002) . . . \$	(( <del>71,083,500</del> ))
31		<u>70,893,000</u>
32	General Fund--State Appropriation (FY 2003) . . . \$	(( <del>70,873,500</del> ))
33		<u>50,499,000</u>
34	General Fund--Federal Appropriation . . . . . \$	173,342,000
35	General Fund--Private/Local Appropriation . . . \$	7,980,000
36	Public Safety and Education Account--State	